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July 16, 2024

*Via ECF Filing*Honorable Valerie Caproni
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/17/2024Re: *In re Navidea Biopharmaceuticals Litigation*, Civil Action No. 19-cv-01578-VEC

Dear Judge Caproni:

I filed a Notice of Appearance as new counsel for Plaintiff, Navidea Biopharmaceuticals, Inc., and Third-Party Defendant, Macrophage Therapeutics, Inc., in the referenced case in accordance with the Court's Order dated June 17, 2024 (ECF #355), having been admitted to appear before this Court pro hac vice. The Court's Order further requires the parties to appear before the Court for a status conference on July 19, 2024 at 10:00 a.m. in the case. I respectfully request a postponement of the status conference to a later date to afford me more time to become familiar with the case so I can participate in a status conference in a more meaningful manner.

Since being engaged to assume the representation of Navidea and Macrophage in this action on Thursday of last week, I have requested the litigation files from previous counsel in order to get up to speed on the issues in the case and the facts uncovered during the discovery process. Prior counsel has informed me that they are asserting an attorney's lien on the litigation case file and will not transfer the file to me until the outstanding amounts owing to them are paid or otherwise satisfied. The clients do not have copies of the pleadings, written discovery, deposition transcripts, hearing transcripts or document production related to the case. Consequently, I am in the process of gathering as much of the litigation case file information as I can from various alternative sources, but as of this date, I only have access to the court filings. For such reason I request a continuance of the status conference to afford me additional time to gather the litigation case information.

Alternatively, I request leave of court to participate in the status conference on July 19, 2024, telephonically or remotely via videoconference.

I have conferred with opposing counsel as to a postponement of the July 19, 2024 status conference, or, alternatively, my participation telephonically or remotely via other means, and Mr. Zimmer will not oppose the requests made herein.

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Thank you for the Court's consideration of this mater.

Respectfully submitted,

WINSTEAD PC

By: /s/ James G. Ruiz
James G. Ruiz

JGR/cs

Application GRANTED. The conference scheduled for July 19, 2024 at 10:00 A.M. is ADJOURNED to August 2, 2024 at 10:00 A.M in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007.

cc:
Gregory Zimmer, Esq.
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SO ORDERED. 7/17/24



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE